



May 18, 2018

**VIA EMAIL**

The Hon. J. Paul Oetken  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

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Re: United States v. Middendorf et al., 18-cr-36 (JPO)

Dear Judge Oetken:

Out of an abundance of caution, we write seeking clarification of the Court's order from the bench on March 15, 2018, directing that "Pretrial motions" be filed by May 25, 2018. *See* ECF Minute Entry dated March 16, 2018. Our understanding is that, pursuant to this Court's standard practice, the "Pretrial motions" deadline does not apply to motions *in limine*, requests to charge, voir dire, the Government's notice pursuant to Fed. R. Evid. 404(b), expert disclosures and related motions, or requests for Rule 17(c) subpoenas. Similarly, our understanding is that the May 25, 2018 deadline is without prejudice to any future motions the bases for which do not arise until after that deadline.

The Government does not object to this request for clarification. Accordingly, we respectfully request that the Court clarify that the May 25, 2018 deadline does not apply to the above-described items.

Sincerely,

/s/

Melinda Haag  
(admitted *pro hac vice*)

/s/

Robert Stern

cc:  
All counsel of record (via email)

**The Court hereby clarifies that defense counsel's understanding is correct.**

**So ordered: 5/23/18**

A handwritten signature in blue ink, appearing to read "J. Paul Oetken", written over a horizontal line.

J. PAUL OETKEN  
United States District Judge